

an honorable calling and a noble profession. I am certain Ed will live up to that high standard and I expect great things from him in the future.

For now, however, I would like to simply thank him for sharing his many talents with me these past six years, and for the sterling level of service he has provided to the people of the Third Congressional District. Indeed, all of us in this House owe Ed a debt of gratitude.

Mr. Speaker, I am eternally grateful to Ed for his efforts and I will always cherish his friendship. So in that spirit, I would like to close by offering my friend and colleague some words of advice as he prepares to return to elected office. They are words with which I know he is familiar as a scholar of American Presidents, and I hope he will carry them with him as he embarks on the next phase of his career in public service:

It is not the critic who counts; not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.—President Theodore Roosevelt.

From the bottom of my heart, thank you Ed Augustus.

CONFERENCE REPORT ON H.R. 1350,
INDIVIDUALS WITH DISABILITIES
EDUCATION IMPROVEMENT ACT
OF 2004

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MURPHY. Mr. Speaker, for many years, discussion of the Individuals with Disabilities Act (IDEA) has focused on what has and what has not worked well.

Let me draw upon my first hand experience as a psychologist who has participated in many of these discussions regarding learning disabled children, who were patients of mine. Many of these Individualized Education Plan (IEP) meetings were bogged down by procedures, paperwork and policy rather than working to help a child's reading, writing and arithmetic.

As a result of my experiences with IDEA, I am convinced that the law needed to be updated in order to properly refocus our efforts on to the task of educating our nation's children. And, I believe that the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350) provides many of the needed changes.

As the Chairman of the Congressional Mental Health Caucus, I am particularly pleased with the bill's provisions to improve the definition of 'specific learning disabilities.' This conference report allows alternate assessment methods, such as the Response to Intervention Model (RTI), for measuring yearly

progress to protect against the overidentification and misidentification of disabled children. RTI will ensure that children receive scientifically based instruction as soon as possible instead of relying on the outdated IQ-achievement discrepancy model as the sole measure of a student's IDEA eligibility.

And while many children need and benefit from pharmaceutical assistance to overcome their disabilities, far too often, people turn to medication in lieu of creating a solid working team of parents and educators to ensure the education of our children.

The reauthorization of IDEA establishes policies that prohibit school personnel from requiring a child to be prescribed medication in order to attend school or to receive IDEA services. Medications for disabled students should only be prescribed by physicians with expertise in treating disabled children and only when necessary.

In the area of discipline, past practices prevented school personnel from holding children with learning disabilities responsible for their behavior and students with learning disabilities were held to different standards than mainstream students. For the same severe offense, a mainstream student would be expelled while a learning disabled student would be returned to the classroom.

To help children learn accountability, teachers must be able to hold them responsible for their actions. To teach children that good and bad behavior has consequences, the school must be able to enforce these consequences.

We must also recognize that special education services are expensive and that with these federal mandates must come increased funding. I applaud the work of my Republican colleagues for increasing funding for special education grants to the States by over 383 percent for a total of \$11.1 billion in the past 10 years. However, we must increase that funding to levels that better meet the needs of our children.

While we all are concerned with the funding of our nation's special education programs, I join the National Education Association, the IDEA, Infant and Toddler Coordinators Association and the National Schools Boards Association in supporting the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350). I am also aware of many of the concerns raised by parents, teachers and students regarding the implementation of IDEA, and I will work with my colleagues to revisit these issues to ensure that teachers and parents have the tools necessary to provide America's children with the education they deserve.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent Tuesday, November 16, 2004, from this chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 531.

"ERASING THE RULES":
NEWSDAY'S INVESTIGATIVE SERIES
ON OSHA, FROM 2001-2004

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. OWENS. Mr. Speaker, Newsday recently published an important investigative series highlighting the Occupational Safety and Health Administration's (OSHA) abysmal track record during the first term of the Bush Administration. In this series of articles entitled "Erasing the Rules," Newsday reporters outline OSHA's failure over the past 4 years to issue a single "significant" regulation or standard protecting worker health or safety. This failure is unprecedented in the history of the Occupational Safety and Health (OSH) Act. Since the OSH Act was first enacted in 1970, every other Administration has issued regulations to protect worker safety in a manner deemed economically significant—either saving or costing society \$100 million dollars, or more. Furthermore, as his first Congressional act President George W. Bush repealed the mandatory standard on ergonomics. He thereby abolished any effort to address the hundreds of thousands of repetitive motion injuries suffered by American workers every year.

Mr. Speaker, this series exposes the steps taken by OSHA over the past 4 years to turn back the clock on worker safety and health and I urge my colleagues to read it. I am therefore submitting a portion of the Newsday "Erasing the Rules" series on OSHA for the RECORD and ask that it be printed. The remainder of the series will be examined on www.Newsday.com.

[From Newsday, Oct. 21, 2004]

ERASING THE RULES

(By Tom Brune)

MANY AGENCIES HEADED BY INDUSTRY VETERANS WHO ARE WATERING DOWN REGULATION

Five minutes after an operator drained a chemical runoff pit at a paper mill in Pennington, Ala., an invisible deadly cloud of hydrogen sulfide seeped out of the sewer, killing two nearby workers and injuring eight others.

The cloud resulted from an unplanned chemical reaction, created when the drained pool of spilled NaSH, a chemical used to pulp wood, unexpectedly mixed with sulfuric acid that had been added to the sewer to control acidity.

And it added another tragedy to the scores of reactive chemical accidents at workplaces—resulting in toxic releases, fires or explosions—that have killed more than 100 workers and caused hundreds of millions of dollars in damages since 1980, according to the U.S. Chemical Safety and Hazard Investigation Board.

The problem is so grave that in 2002, the year of the paper mill deaths, the Chemical Safety Board recommended that federal regulators revise a key safety regulation on chemical process management to require companies to take steps to prevent a broader range of unintended chemical reactions.

But the Bush administration's director of the Occupational Safety and Health Administration, a veteran chemical company safety executive named John Henshaw, has so far declined to do so.

Instead, OSHA has formed a cooperative partnership that it calls an "alliance" with the chemical industry to highlight the issue